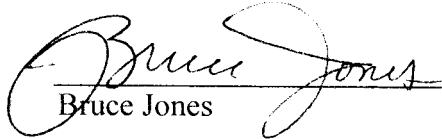


**DECLARATION OF BRUCE JONES IN
SUPPORT OF DEFENDANTS' MOTION
REGARDING SUMMARY JUDGMENT
BRIEFING**

I attach a true and correct copy of Mr. Bullock's December 23, 2008 email as Exhibit A. The parties have thus conferred regarding summary judgment briefing as the Court directed and have been unable to reach any agreement on a recommended course for the Court on this issue.

Dated: Jan 9, 2009

FAEGRE & BENSON LLP


Bruce Jones

2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7000

From: Louis Bullock [mailto:lbullock@bullock-blakemore.com]
Sent: Tuesday, December 23, 2008 5:06 PM
To: Jorgensen, Jay T.
Cc: Jones, Bruce; robert.george@tyson.com; Kelly_Burch@oag.state.ok.us; fbaker@motleyrice.com; RGarren@riggsabney.com; rnance@riggsabney.com; DRiggs@riggsabney.com; dpage@riggsabney.com; Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; cxidis@motleyrice.com; lward@motleyrice.com; Bob Blakemore; Jones, Bruce
Subject: RE: Summary judgment briefs

Jay:

Regarding your suggestion as to what might be suggested to the Court in response to its request that we confer amongst ourselves in preparation for a conference with the Court concerning limitations upon summary judgment motions, the state finds your proposal to be excessive and unnecessary. Our suggestion is as follows:

Defendants' MSJ briefs

1 consolidated brief on common issues not to exceed 75 pages
7 individual issues briefs by corporate group not to exceed 10 pages each
Date certain for filing: May 18, 2009.
Regular response time for individual issues briefs
30 days response time for common issues brief
Responses limited to 75 pages for common issues brief, 10 pages for individual issues briefs
Reply is 40% of principle brief length. Replies due w/in 14 days of responses.
Any sampling results not provided by May 18 or expert reports after May 18 cannot be used for MSJ purposes.

State's MSJ brief

State's MSJ 75 pages
Date certain for filing: May 18, 2009.
30 day response time. Response limited to 75 pages.
Reply is 40% of principle brief length. Reply due w/in 14 days of response.

I believe this is a fair proposal that will allow a full explanation of the issues, allow each of the Defendants to explain their individual issues and keep with rule that there be only one (1) motion by each party.

I will be happy to discuss this further with you, please let me know.

Louis Bullock
Bullock, Bullock and Blakemore, PLLC
Suite 707
110 W. 7th
Tulsa, Oklahoma 74119
(918)584-2001

From: Jorgensen, Jay T. [mailto:jjorgensen@sidley.com]
Sent: Tuesday, December 16, 2008 1:51 AM
To: Louis Bullock

EXHIBIT A

1/9/2009

Cc: bjones@faegre.com; robert.george@tyson.com; Kelly_Burch@oag.state.ok.us; fbaker@motleyrice.com;
RGarren@riggsabney.com; rnance@riggsabney.com; DRiggs@riggsabney.com; dpage@riggsabney.com;
Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; cxidis@motleyrice.com; lward@motleyrice.com; Bob Blakemore;
bjones@faegre.com
Subject: RE: Summary judgment briefs

Great. I'll call you then.

From: Louis Bullock [mailto:lbullock@bullock-blakemore.com]
Sent: Monday, December 15, 2008 4:31 PM
To: Jorgensen, Jay T.
Cc: bjones@faegre.com; robert.george@tyson.com; Kelly_Burch@oag.state.ok.us; fbaker@motleyrice.com;
RGarren@riggsabney.com; rnance@riggsabney.com; DRiggs@riggsabney.com; dpage@riggsabney.com;
Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; cxidis@motleyrice.com; lward@motleyrice.com; Bob
Blakemore; bjones@faegre.com
Subject: RE: Summary judgment briefs

That will do.

Louis Bullock
Bullock, Bullock and Blakemore, PLLC
Suite 707
110 W. 7th
Tulsa, Oklahoma 74119
(918)584-2001

From: Jorgensen, Jay T. [mailto:jjorgensen@sidley.com]
Sent: Monday, December 15, 2008 3:28 PM
To: Louis Bullock
Cc: bjones@faegre.com; robert.george@tyson.com; Kelly_Burch@oag.state.ok.us; fbaker@motleyrice.com;
RGarren@riggsabney.com; rnance@riggsabney.com; DRiggs@riggsabney.com; dpage@riggsabney.com;
Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; cxidis@motleyrice.com; lward@motleyrice.com; Bob
Blakemore; bjones@faegre.com
Subject: Re: Summary judgment briefs

I'm tied up from 1 to 3, but could do it at 3. Should I call you then?

Jay T. Jorgensen
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
202-736-8020
202-736-8711 (fax)
jjorgensen@sidley.com

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From: Louis Bullock
To: Jorgensen, Jay T.
Cc: Jones, Bruce; George, Robert ; Kelly Burch ; Baker, Fred ; Richard Garren ; Bob Nance ; David Riggs ; David Page ; Daniel.Lennington@oag.ok.gov ; Trevor.Hammons@oag.ok.gov ; Xidis, Claire ; Ward, Liza ; Bob Blakemore
Sent: Mon Dec 15 14:45:42 2008
Subject: RE: Summary judgment briefs
Late Friday, a client called about needing me to attend a meeting at 10:00 the 19th. It will be difficult for me to reschedule that meeting. Could we move our call to 1:00 that day?

Louis Bullock
Bullock, Bullock and Blakemore, PLLC
Suite 707
110 W. 7th
Tulsa, Oklahoma 74119
(918)584-2001

From: Jorgensen, Jay T. [mailto:jjorgensen@sidley.com]
Sent: Sunday, December 14, 2008 8:51 PM
To: Louis Bullock
Cc: Jones, Bruce; George, Robert; Kelly Burch ; Baker, Fred; Richard Garren; Bob Nance; David Riggs; David Page; Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; Xidis, Claire; Ward, Liza; Bob Blakemore
Subject: RE: Summary judgment briefs

Friday at 10 a.m. Central should work fine. Should I call you at the number below?

From: Louis Bullock [mailto:lbullock@bullock-blakemore.com]
Sent: Friday, December 12, 2008 11:28 AM
To: Jorgensen, Jay T.
Cc: Jones, Bruce; George, Robert; Kelly Burch ; Baker, Fred; Richard Garren; Bob Nance; David Riggs; David Page; Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; Xidis, Claire; Ward, Liza; Bob Blakemore
Subject: RE: Summary judgment briefs

Jay:

I am going to need to confer with other members of the Plaintiff's team before we have this call. Let's see if we can schedule it for either next Thursday the 18^h after 3:00 or sometime Friday the 19th. Let me know what time is good for you.

Louis Bullock
Bullock, Bullock and Blakemore, PLLC
Suite 707
110 W. 7th
Tulsa, Oklahoma 74119
(918)584-2001

From: Jorgensen, Jay T. [mailto:jjorgensen@sidley.com]

Sent: Thursday, December 11, 2008 3:14 PM
To: Louis Bullock; Louis Bullock
Cc: Jones, Bruce; George, Robert
Subject: Summary judgment briefs

Louis,

As you'll recall, Judge Frizzell asked the parties to confer on the number of summary judgment briefs and the timing of filing. May I call you tomorrow or Monday to discuss?

Jay

Jay T. Jorgensen | Sidley Austin LLP
1501 K St NW, Washington D.C. 20005 | 202.736.8020

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